IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 13TH DECEMBER, 2006 / 22ND AGRAHAYANA, 1928

Mat.Appeal.No. 368 of 2006

(AGAINST THE ORDER DATED 31/08/2006 IN IA.725/2006 IN
OP.624/2005 of FAMILY COURT, KOTTAYAM)
.....

PETITIONER:

LAKSHMANAN PILLAI, SREEKUMARAM VEEDU,
KIZHAKKUMCHERRY KARA, NADUVILA VILLAGE,
VAIKOM TALUK.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI.S.MANU
SRI.R.V.SREEJITH

RESPONDENT:

GIRIJA KUMARI, NIRAVATHU VEEDU,
THEKKEMURI KARA, NADUVILA VILLAGE,
VAIKOM TALUK.

BY ADV.SRI. MATHEW KORA.

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD

ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

M. RAMACHANDRAN & A.K.BASHEER, JJ.

Mat.Appeal No. 368 of 2006

Dated this the 13th day of December, 2006

J U D G M E N T

Ramachandran, J.

Heard the parties. An application had been filed by the husband supported with an affidavit alleging that the wife is insane and the issue has to be appropriately examined and decided as a preliminary issue by the Family Court. The proceedings, of course, were for return of ornaments. The order of the Family Court indicates that reasonable care had been invested. The Judge had put questions to the wife and he was satisfied that it was possible for her to give intelligent answers. She was found capable for conducting the case. Nevertheless, the court had also observed that if the appellant was serious about his allegations, the matter would be gone into in detail, in due course.

2. We find that the wife is a Government servant now working. There are also sufficient materials to show that the marriage was subsisting for almost two decades

and two children were born in the wedlock. The hurried manner in which attempt is seen taken to tag the wife as insane cannot be countenanced in the manner attempted. The petitioner has taken the issue too lightly, forgetting that the declaration as above was capable of wrecking the life of an individual.

3. Therefore, the appeal is rejected. However, we give opportunity to the petitioner to move appropriately for further orders on the issue if he is in a position to substantiate the contentions with better materials.

sd/-

M. Ramachandran, Judge

sd/-

A.K.Basheer, Judge

Mbs/

M. RAMACHANDRAN &
A.K.BASHEER, JJ

W.P.(FC).NO. OF 200

J U D G M E N T

DATED: -11-2006